

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA,      )  
                                      )  
Plaintiff,                        )  
                                      )  
vs.                                ) CASE NO.: 4:07-CR-0145-UWC-RRA  
                                      )  
BONNELL HUGHES,                )  
                                      )  
Defendant.                        )

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DEFENDANT'S SENTENCING MEMORANDUM

COMES NOW the Defendant in the above referenced matter and files this his sentencing memorandum for this Court to consider in the sentencing of the Defendant in the above styled matter.

1. Defendant has no objections to the Pre-Sentence Report which was disclosed to the Defendant on August 7, 2007.
2. Defendant contends there are pertinent factors to be considered by this Court in sentencing the Defendant pursuant to 18 U.S.C. 3553(a) as required by the Supreme Court decision in United States v. Booker. The Defendant contends that the following are special characteristics this Court should consider in sentencing the Defendant.

- A. The Defendant is a 57 year old male who has absolutely no prior

contacts with the criminal court system. The Defendant has conducted himself previously in a law-abiding manner. The Defendant has always been gainfully employed. The Defendant worked for a significant period of time in the Georgia area from 1969 until 1984. He suffered a back injury. The Defendant returned to his home area in Crossville, Alabama, where he resided at 3151 Pea Ridge Road. He is married and has two children one of whom he is providing support for being self-employed in the printing business. The Defendant still suffers from his back surgery/injury and is on medication for back problems. The Defendant has raised his family in the Crossville, Alabama area and has provided support for them his entire life. The Defendant has absolutely no history of any drug, or alcohol problems. The Defendant believed in 1983 he was possibly drinking too much and quit drinking at that time. There is no prior criminal history whatsoever to indicate the presence of any drug or alcohol problems in his life.

B. The Defendant contends that because of his total complete lack of any criminal history this Court should take that into consideration in reviewing the factors listed in Title 18355(a).

C. The Defendant further contends the Court should take into consideration his present age of 57 years old. The Defendant contends that to incarcerate him for any significant period of time would cause him serious physical

difficulties based upon his age, his prior back injuries for which he suffers soreness, pain and discomfort from and which makes him less able to maintain himself in a prison type atmosphere.

D. For that the Defendant has been a model prisoner and has cooperated fully and completely with law enforcement since his arrest. In addition to all matters already presented to this Court, the Defendant at the time of his arrest assisted law enforcement officers in obtaining and locating all of the items for which the Defendant was later charged with being in possession of to ensure no one was injured during the search of the Defendant's residence. He pointed out to law enforcement officers where items were and assisted them in recovering them so no officers could suffer any sort of injury during the search of the Defendant's residence. Another example of the Defendant's lack of any criminal motivation in his actions.

E. The Defendant contends that under (a)(2)(C) there is little if any substantial likelihood the Defendant will ever commit any further crimes.

The Defendant contends this Court should take all of the above factors and information into consideration as well as those facts in the Pre-Sentence Report as well as the matters filed by the Government in its sentencing of the Defendant in this cause.

Respectfully submitted,

Donald L. Colee Jr.

Donald L. Colee, Jr.  
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing upon the United States of America by mailing a copy of the same to the Honorable Michael W. Whisenant, Assistant United States Attorney at his address of 1729 5<sup>th</sup> Avenue North, Birmingham, Alabama 35203, first class mail, postage prepaid and properly addressed, this the 26<sup>th</sup> day of October, 2007.

Donald L. Colee Jr.

Donald L. Colee, Jr.